

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: /
Calhoun et al. /
/
U.S. Serial No: 10/632,014 / Group Art Unit: 1616
/
Filed: July 31, 2003 / Examiner: Soroush, Ali
/
For: APPARATUS AND METHOD FOR /
PREVENTING ADHESIONS BETWEEN AN /
IMPLANT AND SURROUNDING TISSUES /

Commissioner of Patents
P.O Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

Dear Sir/Madam:

I, CHRISTOPHER J. CALHOUN, RALPH E. HOLMES and KENNETH K. KLEINHENZ, declare as follows:

1. I am an inventor of claims of the above-identified patent application.
2. Prior to January 3, 2002, I conceived of the claimed implant being coated, such as by spraying, dipping or heat-shrinking, with a resorbable membrane for placement into a surgical site to attenuate adhesions between the implant and surrounding tissue. The implant was contemplated as being any of a variety of devices, such as a breast implant, a transplanted organ, grafting material or a pacemaker, and as being formed with non-porous and smooth sides of a lactide polymer or a copolymer of two or more lactides (cyclic esters) using, as an example, technology from the Thin Sheet (TS) product described in U.S. Patent No. 6,531,146.
3. Exhibits A, B and C were generated prior to January 3, 2002 to describe the TS technology as applied over the implants as coatings.

First Inventor: Christopher Calhoun
Application No. 10/632,014
Page 2

MA9606P

4. A patent application was subsequently prepared and filed in the U.S. Patent and Trademark Office.

The below undersigned declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, being duly warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing therefrom.

Date CHRISTOPHER J. CALHOUN

1/29/08 D. Holmes
Date RALPH E. HOLMES

Date KENNETH K. KLEINHENZ